

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BRIAN A. COBUZZI,

Plaintiff,

-against-

WILFRED BALLISTER and
FEDEX CUSTOM CRITICAL, INC.

Defendants.
-----X

COMPLAINT

Civil Action No.: 7:22-cv-2844

BRIAN A. COBUZZI, by and through his attorneys, VENTURA LAW, respectfully
alleges upon information and belief as follows:

JURISDICTION & VENUE

1. Jurisdiction exists against defendants pursuant to 28 U.S.C. Section 1332
2. Plaintiff, BRIAN A. COBUZZI, is domiciled in and is a citizen of the State of Connecticut, residing at 9 Greenknoll Drive, Brookfield, Connecticut 06804
3. Defendant, WILFRED BALLISTER, is domiciled in and is a citizen of the State of New Jersey, residing at 43 Carteret Street, Bloomfield, NJ 07003.
4. Defendant, FEDEX CUSTOM CRITICAL, INC., is a foreign Limited Liability Company doing business in the state of Ohio, with a principal place of business at 1475 Boettler Raod, Uniontown, OH 44685.
5. Defendant's, FEDEX CUSTOM CRITICAL, INC., designated agent for service of process is CT Corporation System, 28 Liberty Street, New York, NY 10005.
6. The amount in controversy exceeds \$75,000.

7. Venue is proper pursuant to 28 U.S.C. Section 1391 in that jurisdiction is founded on complete diversity of citizenship and the matter is being filed in the district where the claim arose.

8. This case should be designated for assignment to White Plains in that the claims arose in Carmel, New York.

FACTUAL STATEMENT

9. On or about November 8, 2021, at approximately 3:29 pm, the plaintiff, BRIAN A. COBUZZI, was operating a motor vehicle bearing Connecticut license plate # AD09133, on Interstate 84 eastbound approximately 10 feet east of milepost 64.5, in the Town of Southeast, County of the Putname, State of New York.

10. At the same time and place, the defendant, WILFRED BALLISTER, was operating a motor vehicle bearing Pennsylvania license plate #EP11445 directly behind the plaintiff's unit.

11. At all times material hereto defendant, WILFRED BALLISTER, was operating the aforesaid motor vehicle as an agent, servant, and/or employee of the defendant FEDEX CUSTOM CRITICAL, INC. and was acting within the scope of that agency, service, and/or employment.

12. At the same time and place, the aforementioned vehicle operated by the defendant, WILFRED BALLISTER, was caused to come into violent contact with the vehicle operated by the plaintiff, as a result of which the plaintiff was caused to sustain serious and, upon information and belief, lasting and permanent injuries to his person and severe shock to his nervous system.

13. As a result of the foregoing, the plaintiff was caused to and did sustain serious, lasting, and permanent personal injuries to his person and severe shock to his nervous system, and was required to seek and obtain medical care and attention to cure and/or alleviate the same and, upon information and belief, will be compelled to continue to do so in the future.

14. The aforesaid collision and injuries sustained by the plaintiff was caused by the negligence of the defendants without any fault or negligence on the part of the plaintiff contributing thereto.

15. The defendants were negligent in the ownership, operation, management, care, custody, charge, supervision, maintenance, and control of their motor vehicle: in failing to keep and maintain said motor vehicle under careful, lawful, prudent, adequate, and proper control; in failing to keep and maintain a proper lookout; in failing to have adequate brakes and/or braking devices or in failing to properly apply such device(s) in sufficient time so as to avoid the occurrence complained of; in failing to observe the other vehicle in sufficient time so as to avoid the occurrence complained of; in failing to operate the aforesaid motor vehicle with due regard for the conditions at the time and place aforesaid including weather and elements; in failing to provide plaintiff with adequate and/or reasonable and/or sufficient notice or warning of the impending occurrence by sound of horn or otherwise; in failing to stop; in not seeing what there was to be seen; in violating the applicable and pertinent statutes, ordinances, rules and regulations of the State of New York; in failing to keep a proper distance; in causing the said vehicle to come into contact with the plaintiff's; in causing plaintiff to sustain personal injuries; in failing to exercise the necessary and requisite forbearance; and in failing to take necessary and requisite steps to prevent this foreseeable occurrence.

16. The plaintiffs have sustained a "serious injury" as the same is defined in Subdivision (d) of Section 5102 of the Insurance Law of the State of New York.

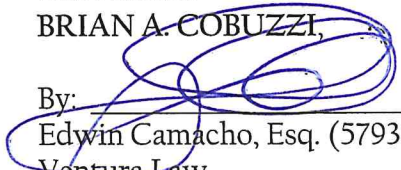
17. This action falls within one or more of the exceptions set forth in Section 1602 of the CPLR.

18. The plaintiffs has been damaged in a sum in excess of seventy-five thousand dollars (\$75,000.00).

WHEREFORE, plaintiffs respectfully demand judgment against the defendants in excess of seventy-five thousand dollars (\$75,000.00), together with the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: Norwalk, Connecticut
April 1, 2022

The Plaintiff
BRIAN A. COBUZZI,

By: 
Edwin Camacho, Esq. (5793)
Ventura Law
18 South Main Street
Danbury, Connecticut 06810
(203) 800-8000

TO: WILFRED BALLISTER
43 Carteret Street
Bloomfield, NJ 07003

FEDEX CUSTOM CRITICAL, INC.
c/o CT Corporation System
28 Liberty Street
New York, NY 10005